



AP/10/2004

PATENT
Attorney Docket N° 99-1228 (P1546US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Brandon A. Grooters
Serial N° : 09/461,822
Filed : December 15, 1999
Group Art Unit : 2121
Examiner : Pham, Thomas K.
For : METHOD AND APPARATUS FOR LAUNCHING
APPLICATIONS BASED UPON ELECTRONIC PROGRAM
GUIDE DATA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)**

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on October 6, 2004, in a First Class envelope, with sufficient postage thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ReNeal D. Berggren

DATED: October 6, 2004

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed June 7, 2004 finally rejecting claims 1-4, 6-10, 12-20, and 22-27.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

- other than a small entity;
 small entity.

Verified Statement:

- attached already filed on _____.

10/14/2004 HGT/TEMA1 00000006 500439 09461822
01 FC:1401 340.00 DA

10/13/2004 HGT/TEMA1 000000021 500439 09461822
01 FC:1402 340.00 CR

Adjustment date: 10/14/2004 HGT/TEMA1 000000021 500439 09461822
10/13/2004 HGT/TEMA1 000000021 500439 09461822
01 FC:1402 340.00 CR

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. §1.17(e) the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$170.00
<input checked="" type="checkbox"/>	other than a small entity	\$340.00

Notice of Appeal fee: \$340.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)-(d)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$430.00	\$215.00
<input type="checkbox"/> three months	\$980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00

Extension Fee: \$110.00

If an additional extension of time is required please consider this a petition therefor.

An extension for ____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request: \$ _____

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is

Notice of Appeal fee \$ 340.00.

Extension fee (if any) \$ 110.00.

TOTAL FEE DUE: \$ 450.00

5. FEE PAYMENT

Please charge Deposit Account N° **50-0439** the sum of **\$450.00**. A duplicate of this *Transmittal* is attached for accounting purposes. If any additional extension and/or fee is required, please charge Deposit Account N° 50-0439. If any additional fee for claims is required, please charge Deposit Account N° 50-0439.

Please direct all correspondence to: **CUSTOMER NO. 32709**

SEAN PATRICK SUITER
SUITER • WEST PC LLO
14301 FNB PARKWAY, SUITE 220
OMAHA NE 68154-5299
(402) 496-0300 (TELEPHONE)
(402) 496-0333 (TELECOPIER)

DATE: October 6, 2004.

Respectfully submitted,

Gateway, Inc.,

By

Nathan T. Grebasch

Reg. N° 48,600



- ATTACHMENTS:
1. A copy of this *Transmittal* for accounting purposes.
 2. *Petition for One Month Extension*, including authorization to charge fees to Deposit Account and copy for accounting purposes.
 3. Return postcards.